

BILL NO. S-73-03-29

SPECIAL ORDINANCE NO. S 40-73

AN ORDINANCE approving a contract with BERCOT, INC. for construction of a water line to serve Hickory Grove Addition.

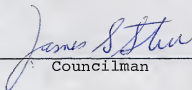
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Contract approved March 2, 1973, between the City of Fort Wayne by and through its Mayor and the Board of Public Works, and BERCOT, INC. for construction of a water line to serve Hickory Grove Addition, to be constructed and installed as follows:

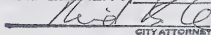
A 6 inch water main along the north side of Elmdale Dr., from the west property line of Hessen Cassel Road to the west property line of lot #37, also on Waycross Dr., from the south property line of lot #35 to the existing water main on Sundale Drive, all in Hickory Grove Addition, Sections B & C, and said water mains with all it's appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

for a total cost of \$21,204.50 on which the City will be paying \$7,453.04, with the balance to be paid by the property owners, all as more particularly set forth in said contract, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 3-27-73

Charles W. Teterman
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: 4-10-73

Charles W. Teterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. S-70-73 on the 10th day of April, 1973.

ATTEST: (SEAL)

Charles W. Teterman
CITY CLERK

W. J. L. C. W. J.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of April, 1973, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Teterman
CITY CLERK

Approved and signed by me this 11th day of April, 1973, at the hour of 3:30 o'clock P. M., E.S.T.

Don A. Peabody
MAYOR

Bill No. S-73-03-29

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving a contract with BERCOOT, INC. for construction
of a water line to serve Hickory Grove Addition.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier

Samuel J. Talarico
William T. Hinga
Vivian G. Schmidt

DATE 4-10-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

CONTRACT AND BOND

This Agreement, Made and entered into as of the 2nd day of March 1973, by and between

Bercot, Inc.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Improvements, in or for the benefit of recorded platted additions to and/or within cities and towns." Approved May 16, 1927, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct a 6 inch water main along the north side of Elmdale Dr., from the west property line of Hessen Cassel Road to the west property line of lot # 37, also on Waycross Dr., from the south property line of lot # 35 to the existing water main on Sundale Drive, all in Hickory Grove Addition, Sections B & C, and said water mains with all it's appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

for the Following Prices

Item	Quantity	Unit Price	Extension
1.	1845+ feet - 6" C. I. Water Main	8.03	14815.35
2.	2 each Fire Hydrant Assy, Type III w/box	674.00	1348.00
3.	1 only Fire Hydrant Assy, Type II w/box	674.00	674.00
4.	3 each 6" Valves w/box	170.00	510.00
5.	1 only 6" Valve Restrained w/box	187.00	187.00
6.	1 only 6" Solid Sleeve	150.00	150.00
7.	1 only 6" x 6" x 6" x 6" Cross M.J.	306.00	306.00
8.	20 Lin. Ft. Driveway Stone Replacement	1.65	33.00
9.	136 Lin. Ft. Asphalt Replacement	3.85	523.60
10.	125 Lin. Ft. Concrete Replacement	11.00	1375.00
11.	90 Lin. Ft. 8" R. C. P.	2.60	234.00
12.	1565 Lin. Ft. Top Soil & Seeding	.67	1048.55

signed bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 2nd day of March 1973.

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

BERCOT, INC.

8338 MOBILE AVENUE

FORT WAYNE, INDIANA 46805

Contractor, party of the first part.

This contract approved by us this 12th day of March 1973

BOARD OF PUBLIC WORKS,
Party of the second part.

Mayor

LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we

Bercot, Inc.

as principal and

General Insurance Company of America

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Twenty one thousand, two hundred four and 50/100 Dollars

(\$ 21,204.50)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the 2nd

day of March, 1973, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained including the payment of vendors', suppliers and sub-contractors' bills, except the warranty and guaranty of the water main as to the workmanship, material and condition for the period of One (1) year, according to the true intent and meaning thereof in all respects, then this obligation to be void, other wise to be an remain in full force and virtue in law and in the event the said City shall extend for the completion of said work, such extension shall not in any way release the sureties of this bond.

Witness our hands and seals this 2nd day of March 19 73

Bercot, Inc.

(SEAL)

By

General Insurance Company of America

By

(SEAL)

(SEAL)

Approved this

12th

day of

March

19

73

Board of Public Works.

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision—Volume VIII).

A copy of General Ordinance No. G-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.

GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we

Bercot, Inc.

Contractors

as principal and General Insurance Company of America

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Twenty one thousand, two hundred four and 50/100 Dollars (\$ 21,204.50)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said

Bercot, Inc.

did on the 2nd day of March, 1973 enter into a contract with the City of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a water main

in and along the north side of Elmdale Dr., from the west property line of Hessen Cassel Road to the west property line of lot # 37, also on Waycross Dr., from the south property line of lot # 35 to the existing water main on Sundale Drive, all in Hickory Grove Addition, Sections B & C, and said water mains with all it's appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

according to certain plans and specifications, and also warranting and guaranteeing the work, material and conditions of the water main as provided in the aforesaid contract, plans and specifications.

Now, if the said Bercot, Inc.

shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 2nd day of March 1973.

Bercot, Inc.

By: *[Signature]* (SEAL)
General Insurance Company of America

By: *[Signature]* (SEAL)

Approved this 12th day of March

[Signature]
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD
CITY HALL

To Whom It May Concern: Fort Wayne, Ind.,19.....

The time in which to complete the within contract is hereby extended by the Board of Public Works
of the City of Fort Wayne, Indiana, until

.....
.....
.....
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD
CITY HALL

To Whom It May Concern: Fort Wayne, Ind.,19.....

The time in which to complete the within contract is hereby extended by the Board of Public Works
of the City of Fort Wayne, Indiana, until

.....
.....
.....
Board of Public Works.

No. 19.....
CONTRACT AND BOND
of

for

Amount of Bond

Approved: Dollars

Board of Public Works.

Recorded in Contract Record Book No.
Page..... Recorded in..... Imp. Res.
Record Book No..... Page.....

Improvement Resolution No. 19.....
Cost per lot \$
Assessment Roll Approved
Final Estimate Approved





POWER OF ATTORNEY

No. 2388

KNOW ALL MEN BY THESE PRESENTS:

That General Insurance Company of America, a Washington corporation, does hereby appoint
 -----H. STANLEY HUFF, JR. &/or DONALD F. CAMPBELL, Fort Wayne, Indiana-----

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind General Insurance Company of America thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, General Insurance Company of America has executed and attested these presents

this 15 day of December, 19 67.

J. D. Hammersla SECRETARY

Edna H. Lumsy PRESIDENT

CERTIFICATE

Extract from the By-Laws of General Insurance Company of America:

"Article VI, Section 13. - FIDELITY AND SURETY BONDS . . . the Chairman of the Board of Directors, the President, any Vice President, and the Secretary shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business.

"The power of appointment granted in this paragraph to the officers enumerated may be exercised by each of them severally, regardless of the availability or unavailability of the other officers enumerated. On any instrument making or evidencing such appointment the signatures may be affixed by facsimile.

"On any instrument conferring such authority or on any bond or undertaking of the company the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

I, W. D. Hammersla, Secretary of General Insurance Company of America, do hereby certify that the foregoing is a true and correct copy of Article VI, Section 13 of the By-Laws of said corporation and of a power of attorney executed pursuant thereto and that both said By-Laws and said power of attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 2nd day of March, 19 73.



J. D. Hammersla
 SECRETARY

DIGEST SHEET

Public Works

A-40-73

D-73-03-29

TITLE OF ORDINANCE Special Ordinance--Contract on Water Improvement Res. 1006-1972DEPARTMENT REQUESTING ORDINANCE Board of Public WorksSYNOPSIS OF ORDINANCE This water line will be installed under bonding process.Total cost is: \$26,827.78 broken down as follows:To contractor \$21,204.50Water Taps 3,520.00Engineering 1,813.28Permits 240.00Advertising 50.00EFFECT OF PASSAGE Water to 22 property owners who will become City Utility customers.EFFECT OF NON-PASSAGE Loss of revenue to City UtilitiesMONEY INVOLVED (Direct Costs, Expenditures, Savings) Cost to City is \$7,453.04.Balance of \$19,374.74 to be paid by property owners.ASSIGNED TO COMMITTEE (I.N.) Public Works

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	<i>D-73-03-29</i>
ORDINANCE NO.	<i>D-40-73</i>
REGULAR SESSION	<i>3-27-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Kucen</i>
BILL WRITTEN BY	<i>Sr. of Public Works</i>
DATE INTRODUCED	<i>3-27-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Stier</i> <i>Public Works</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
PASS	<i>4-10-73</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	<i>Power of attorney</i>
	ABSTRACTS
	<i>Contract & Bond</i>
	<i>Titles of Liability Bond</i>
	<i>Discretionary Bond</i>
	PRIOR APPROVAL LETTER

Digital Sheet

COUNCILMAN'S VOTE

	9		
	AYES	NAYS	ABSENT
BURNS	<input checked="" type="checkbox"/>		
HINGA	<input checked="" type="checkbox"/>		
KRAUS	<input checked="" type="checkbox"/>		
MOSES	<input checked="" type="checkbox"/>		
NUCKOLS	<input checked="" type="checkbox"/>		
D. SCHMIDT	<input checked="" type="checkbox"/>		
V. SCHMIDT	<input checked="" type="checkbox"/>		
STIER	<input checked="" type="checkbox"/>		
TALARICO	<input checked="" type="checkbox"/>		

COMMENTS: